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**STATE OF IOWA**

**Senate Journal**

**MONDAY, MARCH 23, 2015**

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# JOURNAL OF THE SENATE

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SEVENTY-FIRST CALENDAR DAY  
FORTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 23, 2015

The Senate met in regular session at 1:06 p.m., President Jochum presiding.

Prayer was offered by Pastor John Mitcham of the Indianola Community Church in Indianola, Iowa. He was the guest of Senator Garrett.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sally Ropes.

The Journal of Thursday, March 19, 2015, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Joseph S. Cortese II, the governor's appointee to be the Workers' Compensation Commissioner. He was the guest of Senators Bisignano and Shipley and the committee on Labor and Business Relations.

The Secretary of the Senate introduced David Roederer, the governor's appointee to be Director of the Department of Management. He was the guest of Senators Dvorsky and Johnson and the committee on State Government.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 19, 2015, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 583](#), a bill for an act relating to the control of effluent from animal truck wash facilities, by requiring certain permits, regulating storage and application of effluent, and making penalties applicable.

Read first time and referred to committee on **Agriculture**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 18](#).

[Senate Resolution 18](#)

On motion of Senator Kraayenbrink, [Senate Resolution 18](#), a resolution recognizing and congratulating the Iowa Central Community College wrestling team and program on winning its eighth national title, with report of committee recommending passage, was taken up for consideration.

Senator Kraayenbrink moved the adoption of [Senate Resolution 18](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Kraayenbrink introduced to the Senate chamber members of the Iowa Central Community College Wrestling team; Head Coach Luke Moffit; Assistant Coach Mark Rial; All American/National Champion, Tyler Hoffman; 3<sup>rd</sup> place All American, Christopher Ballard; 5<sup>th</sup> place All American, Ryan Niven; team member, Jake Meehan; and VP of Student Enrollment, Tom Beneke.

The Senate rose and expressed its congratulations.

The Senate stood at ease at 1:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:10 p.m., President Jochum presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Schoenjahn, until he arrives, on request of Senator Gronstal; and Senators Bertrand and Chelgren, until they arrive, on request of Senator Dix.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 235, 298, 370, 373, and 379.

[Senate File 235](#)

On motion of Senator McCoy, [Senate File 235](#), a bill for an act relating to the regulation of pharmacy benefits managers and including effective date provisions, was taken up for consideration.

Senator McCoy asked and received unanimous consent that [House File 395](#) be **substituted** for [Senate File 235](#).

[House File 395](#)

On motion of Senator McCoy, [House File 395](#), a bill for an act relating to the regulation of pharmacy benefits managers and including effective date provisions, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 395](#)), the vote was:

Yeas, 47:

Allen	Dearden	Johnson	Segebart
Anderson	Dix	Kapucian	Seng
Behn	Dotzler	Kinney	Shiple
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver

Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach
Danielson	Jochum	Schultz	

Nays, none.

Absent, 3:

Bertrand	Chelgren	Schoenjahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator McCoy asked and received unanimous consent that [Senate File 235](#) be **withdrawn** from further consideration of the Senate.

#### [Senate File 298](#)

On motion of Senator Shipley, [Senate File 298](#), a bill for an act relating to nonsubstantive Code corrections, was taken up for consideration.

Senator Shipley offered amendment [S-3040](#), filed by him on March 16, 2015, to page 2 of the bill, and moved its adoption.

Amendment [S-3040](#) was adopted by a voice vote.

Senator Shipley asked and received unanimous consent that [House File 535](#) be **substituted** for [Senate File 298](#).

#### [House File 535](#)

On motion of Senator Shipley, [House File 535](#), a bill for an act relating to nonsubstantive Code corrections, was taken up for consideration.

Senator Shipley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 535](#)), the vote was:

Yeas, 47:

Allen	Dearden	Johnson	Segebart
Anderson	Dix	Kapucian	Seng
Behn	Dotzler	Kinney	Shipley
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach
Danielson	Jochum	Schultz	

Nays, none.

Absent, 3:

Bertrand	Chelgren	Schoenjahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Shipley asked and received unanimous consent that [Senate File 298](#) be **withdrawn** from further consideration of the Senate.

#### [Senate File 370](#)

On motion of Senator Dotzler, [Senate File 370](#), a bill for an act relating to court appointed special advocates and the confidentiality of information regarding a child receiving foster care, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that [House File 372](#) be **substituted** for [Senate File 370](#).

#### [House File 372](#)

On motion of Senator Dotzler, [House File 372](#), a bill for an act relating to court appointed special advocates and the confidentiality of information regarding a child receiving foster care, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 372](#)), the vote was:

Yeas, 47:

Allen	Dearden	Johnson	Segebart
Anderson	Dix	Kapucian	Seng
Behn	Dotzler	Kinney	Shipley
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach
Danielson	Jochum	Schultz	

Nays, none.

Absent, 3:

Bertrand	Chelgren	Schoenjahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Dotzler asked and received unanimous consent that [Senate File 370](#) be **withdrawn** from further consideration of the Senate.

#### [Senate File 373](#)

On motion of Senator Shipley, [Senate File 373](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Shipley offered amendment [S-3017](#), filed by the committee on Judiciary on March 3, 2015, to page 6 of the bill, and moved its adoption.

Amendment [S-3017](#) was adopted by a voice vote.

Senator Shipley asked and received unanimous consent that [House File 536](#) be **substituted** for [Senate File 373](#).

#### [House File 536](#)

On motion of Senator Shipley, [House File 536](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Shipley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 536](#)), the vote was:

Yeas, 47:

Allen	Dearden	Johnson	Segebart
Anderson	Dix	Kapucian	Seng
Behn	Dotzler	Kinney	Shipley
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach
Danielson	Jochum	Schultz	

Nays, none.

Absent, 3:

Bertrand	Chelgren	Schoenjahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Shipley asked and received unanimous consent that [Senate File 373](#) be **withdrawn** from further consideration of the Senate.

[Senate File 379](#)

On motion of Senator Mathis, [Senate File 379](#), a bill for an act relating to the licensure of child care programs operated or contracted for by a school district or accredited nonpublic school and including effective date provisions, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on [Senate File 379](#) be **deferred**.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 372, 395, 535, and 536** be **immediately messaged** to the House.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 2:34 p.m. until 4:30 p.m.

## RECONVENED

The Senate reconvened at 4:33 p.m., President Jochum presiding.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Bolkom asked and received unanimous consent to take up for consideration [House File 202](#) and Senate Files 428 and 413.

### House File 202

On motion of Senator Courtney, [House File 202](#), a bill for an act relating to licensure of retired volunteer dentists and dental hygienists, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 202](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Schultz
Anderson	Dearden	Johnson	Segebart
Behn	Dix	Kapucian	Seng
Bertrand	Dotzler	Kinney	Shipley
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Chelgren	Schoenjahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 428

On motion of Senator Sodders, [Senate File 428](#), a bill for an act relating to an exemption from municipal tort liability for claims arising from recreational activities on municipality-controlled property, was taken up for consideration.

Senator Sodders offered amendment [S-3039](#), filed by him on March 16, 2015, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-3039](#) was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that [House File 570](#) be **substituted** for [Senate File 428](#).

### [House File 570](#)

On motion of Senator Sodders, [House File 570](#), a bill for an act relating to an exemption from municipal tort liability for claims arising from recreational activities on municipality-controlled property, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 570](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Schultz
Anderson	Dearden	Johnson	Segebart
Behn	Dix	Kapucian	Seng
Bertrand	Dotzler	Kinney	Shiple
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Chelgren            Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Sodders asked and received unanimous consent that [Senate File 428](#) be **withdrawn** from further consideration of the Senate.

[Senate File 413](#)

On motion of Senator McCoy, [Senate File 413](#), a bill for an act relating to allowable disclosures of radon testing results, was taken up for consideration.

Senator McCoy asked and received unanimous consent that [House File 371](#) be **substituted** for [Senate File 413](#).

[House File 371](#)

On motion of Senator McCoy, [House File 371](#), a bill for an act relating to allowable disclosures of radon testing results, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 371](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Schultz
Anderson	Dearden	Johnson	Segebart
Behn	Dix	Kapucian	Seng
Bertrand	Dotzler	Kinney	Shiple
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Costello	Hogg	Rozenboom	Zaun
Courtney	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Chelgren Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator McCoy asked and received unanimous consent that [Senate File 413](#) be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 202, 371, and 570** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:55 p.m. until 9:00 a.m., Tuesday, March 24, 2015.

#### APPENDIX

##### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Jason Franzenburg, Davenport—For receiving the 2015 STEM Education Award for Inspired Teaching. Senator Brase.

#### REPORTS OF COMMITTEE MEETINGS

##### EDUCATION

**Convened:** Monday, March 23, 2015, 3:05 p.m.

**Members Present:** Schoenjahn, Vice Chair; Sinclair, Ranking Member; Behn, Bowman, Dvorsky, Hart, Hogg, Johnson, Kinney, Kraayenbrink, Mathis, Schultz, Wilhelm, and Zaun.

**Members Absent:** Quirnbach, Chair (excused).

**Committee Business:** Governor's appointees.

**Adjourned:** 3:40 p.m.

#### STATE GOVERNMENT

**Convened:** Monday, March 23, 2015, 2:35 p.m.

**Members Present:** Danielson, Chair; Courtney, Vice Chair; Bowman, Chapman, Dearden, Dvorsky, Feenstra, Horn, Johnson, McCoy, Petersen, Schultz, and Whitver.

**Members Absent:** Bertrand, Ranking Member; and Schoenjahn (both excused).

**Committee Business:** Governor's appointees.

**Adjourned:** 2:35 p.m.

#### VETERANS AFFAIRS

**Convened:** Monday, March 23, 2015, 4:00 p.m.

**Members Present:** Horn, Chair; Mathis, Vice Chair; Segebart, Ranking Member; Allen, Costello, Danielson, Hart, Ragan, Rozenboom, and Soddors.

**Members Absent:** Chelgren (excused).

**Committee Business:** Governor's appointees.

**Adjourned:** 4:05 p.m.

#### INTRODUCTION OF RESOLUTION

[Senate Resolution 20](#), by Hart, a resolution requesting the legislative council to establish a legislative interim committee on beverage container recycling efforts.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

#### SUBCOMMITTEE ASSIGNMENTS

[Senate File 478](#)

JUDICIARY: Horn, Chair; Petersen and Zaun

[House Joint Resolution 8](#)

STATE GOVERNMENT: Danielson, Chair; Dvorsky and Schultz

[House File 3](#)

JUDICIARY: Horn, Chair; Schneider and Taylor

[House File 6](#)

JUDICIARY: Petersen, Chair; Kinney and Schneider

[House File 299](#)

JUDICIARY: Sodders, Chair; Hogg and Shipley

[House File 529](#)

LOCAL GOVERNMENT: Hart, Chair; Sinclair and Taylor

[House File 544](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Ragan and Rozenboom

[House File 597](#)

TRANSPORTATION: Bowman, Chair; Danielson and Feenstra

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

**ECONOMIC GROWTH**

Annette Townsley – Agricultural Development Board

Mary Cownie – Director of the Department of Cultural Affairs

David Bernstein – Economic Development Authority

Jennifer Cooper – Economic Development Authority

Lisa Hull – Economic Development Authority

Daniel White – Economic Development Authority

Dave Jamison – Executive Director of the Iowa Finance Authority

Darlys Baum – Iowa Finance Authority  
Martha Bell – Iowa Finance Authority

Kerrie Kuiper – Iowa Great Places Board  
Gayle Redman – Iowa Great Places Board  
Trevor Toft – Iowa Great Places Board  
Donald Zuck – Iowa Great Places Board

Kathryn Kunert – Board of Iowa Innovation Corporation  
Georgia Van Gundy – Board of Iowa Innovation Corporation

#### STATE GOVERNMENT

William McBride – Board of Dentistry  
Nancy Slach – Board of Dentistry

Steven Kury – Board of Dietetics  
Brian Smith – Board of Dietetics

James Albert – Iowa Ethics and Campaign Disclosure Board  
Saima Zafar – Iowa Ethics and Campaign Disclosure Board

Connor Flynn – Iowa Lottery Authority Board of Directors  
Mary Rathje – Iowa Lottery Authority Board of Directors

Bradley Hawn – Board of Mortuary Science  
Norene Mostkoff – Board of Mortuary Science

Vicky Apala-Cuevas – Commission of Native American Affairs  
Crystal Davis – Commission of Native American Affairs  
Kelly Montijo Fink – Commission of Native American Affairs

Jason Hansel – Board of Pharmacy  
Edward McKenna – Board of Pharmacy

Teresa Armstrong – Board of Physician Assistants  
Dennis Janssen – Board of Physician Assistants  
Jolene Kelly – Board of Physician Assistants

Kristine Kramer – State Racing and Gaming Commission  
Dolores Mertz – State Racing and Gaming Commission

Amanda Luscombe – Real Estate Appraiser Examining Board  
Joan Scotter – Real Estate Appraiser Examining Board

Mark Hillenbrand – Board of Social Work  
Neil Nelsen – Board of Social Work

**VETERANS AFFAIRS**

Steven Hyde – Commission of Veterans Affairs  
 Ronald Langel – Commission of Veterans Affairs  
 Kathleen Myers – Commission of Veterans Affairs  
 Gary Wattnem – Commission of Veterans Affairs

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

**STATE GOVERNMENT**

Rod Roberts – Director of the Department Inspections and Appeals  
 Douglas Hoelscher – Director of Office for State-Federal Relations

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

**STATE GOVERNMENT**

Sandra Ryan – Commission for the Blind

**AMENDMENTS FILED**

<a href="#">S-3063</a>	<a href="#">S.F. 379</a>	Liz Mathis
<a href="#">S-3064</a>	<a href="#">S.F. 232</a>	William A. Dotzler, Jr.
<a href="#">S-3065</a>	<a href="#">S.F. 415</a>	Thomas G. Courtney
<a href="#">S-3066</a>	<a href="#">S.F. 459</a>	Janet Petersen